

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1071 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and
MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

HADUJI GODARJI THAKOR

Versus

BABUJI S THAKOR

Appearance:

SUO MOTU for Petitioner

SERVED for Respondent No. 1, 4

Mr.Y.F.Mehta, PUBLIC PROSECUTOR for Respondent No. 2

UNSERVED for Respondent No. 3

CORAM : MR.JUSTICE S.M.SONI and
MR.JUSTICE R.R.JAIN

Date of decision: 03/09/96

ORAL JUDGEMENT (per Soni J.)

An application received in post by the registry is registered as Special Criminal Application no.1071/96. On issuance of necessary notice, Bai Samdar is present

before the court. Bai Samdar was also present on 19.8.96. She was produced from Nari Gruh, Palanpur, in company of a lady constable. On 19.8.96, Bai Samdar had expressed desire to join the petitioner on certain conditions. However, it was made clear by Bai Samdar that she is neither detained illegally nor forcibly by Babuji Sendhaji Thakor. She had gone to Babuji Sendhaji Thakor voluntarily because of harassment of the petitioner. In presence of the petitioner, Bai Samdar stated before us on 19.8.96 that if the petitioner would behave properly, she had no objection to join the petitioner. However, she has placed certain conditions for the same. Petitioner has agreed to abide by the said conditions. Unfortunately, the petitioner is not present today.

This court is not concerned whether Bai Samdar joins the petitioner subject to conditions or not. This court is concerned whether Bai Samdar is illegally detained by Babuji or not. Babuji was also present on 19.8.96. Babuji stated before the court that he had not forcibly detained Bai Samdar and Bai Samdar also stated that she is not forcibly or illegally detained by Babuji. Bai Samdar stated that she had voluntarily joined Babuji because of the harassment of petitioner. Thus, this is not a case of illegal detention and, therefore, nothing is required to be done in the matter. The petition is, therefore, liable to be dismissed and is hereby dismissed. Notice discharged.

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